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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,917	02/03/2004	Arturo Mastelli	71312-0002	1695

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EXAMINER

KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/770,917

Applicant(s)

MASTELLI, ARTURO

Examiner

Basil Katcheves

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-15 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Applicant has cancelled claim 2 in the amendment entered 11/26/04. Pending claims 1 and 3-15 are examined below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 6 and 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,724,465 to Krauss et al in view of U.S. Patent No. 4,506,482 to Pracht et al.

Regarding claims 1, Krauss discloses a curtain wall structure having a framework with a series of panels (fig. 6). Krauss also discloses an insulating panel (fig. 6: 42) being flush with the frame (fig 6: 50). Krauss also discloses an outer tile (fig. 6: U) which is secured to the insulating panel and to the frame. However, Krauss does not disclose tiles adhered to the panels with silicone. Pracht discloses tiles adhered with silicon (column 1, line 50) to a building wall (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Krauss by adhering tiles in order to improve the aesthetics and make a better bond to the panel.

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Krauss also discloses the panels as having inherent edges located at the outer perimeter of the panels which aid in the rigidity of the panel.

Regarding claim 3, Krauss discloses the panels as being on the same plane as the front surface of the frame (fig. 6, see face of panel 42).

Regarding claim 4, Krauss discloses the use of fasteners to secure the panels to the frame (fig. 15: 99).

Regarding claim 5, Krauss discloses a gasket between the perimeter of the tiles and the frame (fig. 16: 115).

Regarding claim 6, Krauss discloses top and bottom retainers for securing the tiles to the frame (fig. 6: 40 & 48).

Regarding claim 7, Krauss discloses a seal between adjacent tiles (fig. 15: 116).

Regarding claim 8, Krauss discloses the size of the panels as being substantially the same as the size of the frame openings (fig. 6) and the tiles as being larger than the frame opening (fig 6: U compared to 42).

Regarding claims 9, Krauss in view of Pracht discloses the basic claim structure of the instant application but does not disclose specific thickness. It would have been an obvious design choice to vary the thickness of tiles and panels in order to decrease or increase the curtain wall weight and strength.

Regarding claim 10, Krauss discloses the panels as having an edge portion (fig. 6: see bottom of 42) that has a rearward dimension that is greater than the thickness of the tile (fig. 6:U).

Regarding claim 11, Pracht discloses the use of ceramic tiles (column 2, line 53).

Regarding claim 12, Krauss in view of Pracht discloses the basic claim structure of the instant application but does not disclose specific dimensions. It would have been an obvious design choice to vary the widths of tiles and panels in order to decrease or increase the curtain wall weight and strength.

Regarding claims 13, Krauss discloses a curtain wall structure having a framework with a series of panels (fig. 6). Krauss also discloses a panel (fig. 6: 42) being flush with the frame (fig 6: 50) and substantially the same size as the frame openings. Krauss also discloses the panel as having an edge (fig. 6: bottom of 42) as extending normal to the plane of the front frame surface. Krauss also discloses an outer tile (fig. 6: U) which is secured to the insulating panel and to the frame. However, Krauss does not disclose tiles adhered to the panels with silicone. Pracht discloses tiles adhered with silicon (column 1, line 50) to a building wall (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Krauss by adhering tiles in order to improve the aesthetics and make a better bond to the panel.

Regarding claim 14, Krauss discloses the tiles as being larger than the openings and also discloses the panels as being connected to the frame along the perimeter (fig. 15: where 94 points). However, Krauss does not disclose the panels as being larger than the frame openings. Pracht discloses panels as being larger than frame openings (fig. 10: 67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Krauss by using a panel of larger size than the opening, as disclosed by Pracht, in order to create a tighter, weather proof seal.

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Regarding claims 15, Krauss discloses providing a curtain wall structure having a framework with a series of panels (fig. 6). Krauss also discloses the panel (fig. 6: 42) as being flush with the frame (fig 6: 50) and substantially the same size as the frame openings. Krauss also discloses the panel as having an edge (fig. 6: bottom of 42) as extending normal to the plane of the front frame surface. Krauss also discloses an outer tile (fig. 6: U) which is secured to the insulating panel and to the frame. However, Krauss does not disclose tiles adhered to the panels with silicone. Pracht discloses tiles adhered with silicon (column 1, line 50) to a building wall (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Krauss by adhering tiles in order to improve the aesthetics and make a better bond to the panel. Krauss does not specifically mention a light weight panel. However, the panel may be made "light weight" when made with a "light weight" aggregate.

Response to Arguments

Applicant's arguments filed 11/26/04 have been fully considered but they are not persuasive. Applicant states that the claims have been amended for clarification, however, the applicant must note that the angled edges are inherent with the panels of Krauss as they have edges which are at an angle. Also the applicant states that the addition of the limitation of panels being substantially within the openings clarifies from the prior art. However, the prior art discloses panels within the openings. That is sufficient to be substantial. Applicant also argues that the prior art is an insulation and not intended for use as a support panel or plurality of support panels. However, the applicant must note that this is functional language and that, as claimed, the prior art meets the basic claim structure and may be used in such a manner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK *RJR*

1/26/05


BRIAN E. GLESSNER
PRIMARY EXAMINER